

# Oversight Plan

## Committee on Energy and Commerce Oversight Plan

110th Congress

Rule X, clause 2(d) of the Rules of the House requires each standing Committee to adopt an oversight plan for the two-year period of the Congress and to submit the plan to the Committee on Oversight and Government Reform and to the Committee on House Administration not later than February 15 of the first session of the Congress.

This is the oversight plan of the Committee on Energy and Commerce for the 110th Congress. It includes the areas in which the Committee expects to conduct oversight during the 110th Congress, subject to limits on staff and resources, but does not preclude oversight or investigation of additional matters as the need arises.

## COMMERCE, TRADE, AND CONSUMER PROTECTION ISSUES THE FEDERAL TRADE COMMISSION

In the 110th Congress, the Committee will review the management, operations, rulemaking, and enforcement actions of the Federal Trade Commission (FTC). In particular, the Committee will review Commission activity with regard to mergers and acquisitions, franchises, business opportunities, telemarketing, identity theft, and privacy, as well as actions regarding false and deceptive advertising, including offerings made by mail and e-mail.

## THE CONSUMER PRODUCT SAFETY COMMISSION

In the 110th Congress, the Committee will conduct a broad review of the management, operations, activities, and performance of the Consumer Product Safety Commission (CPSC) in safeguarding consumers, particularly children, from faulty or dangerous products. This will include review of the CPSC's implementation of Section 15(b) of the Consumer Product Safety Act pertaining to Substantial Product Hazard Reports; other data gathering and dissemination efforts with respect to products within its jurisdiction; the assessment of civil penalties to enforce safety; CPSC work on emerging hazards; and the relationship of CPSC orders to common law. The Committee will examine other activities that may enhance consumer product safety, such as safety standard-setting and certifying organizations.

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the 110th Congress, the Committee will review the management, operations, and activities of the National Highway Traffic Safety Administration, particularly as they pertain to motor vehicle-related safety.

#### INTERSTATE COMMERCE AND E-COMMERCE

In the 110th Congress, the Committee will examine issues that substantially affect interstate commerce. The Committee will continue its review of consumer information privacy in the commercial context. The Committee will also examine impediments to electronic commerce, including State legal and regulatory impediments and potentially anti-competitive activities in the private sector. In addition, the Committee will review and consider issues relating to private-sector cyber security, fraud, and other criminal issues confronting e-commerce.

## TRADE

In the 110th Congress, the Committee will monitor and examine both multilateral trade agreements (including World Trade Organization agreements) and bilateral agreements as those agreements relate to industries, commodities, and services within the Committee's jurisdiction, including telecommunications, electronic commerce, food and drugs, and energy. The Committee will particularly examine the issue of whether these trade agreements adequately protect the interests of domestic and foreign workers and the environment. In addition, some of the trade practices that require investigation include: currency manipulation by China and others; widespread theft of American intellectual property; failure to abide by agreements regarding environment and worker health and safety; use of offshore havens to perpetrate frauds on U.S. consumers and investors; and the proper enforcement of anti-dumping and countervailing duty laws by the Department of Commerce. In doing so, the Committee will review the programs, policies, and procedures of various Government agencies that may needlessly impair the flow of people and commerce across our Nation's borders and, in particular, their ability to protect the international supply chain as it affects the economy of the United States.

## TRAVEL AND TOURISM

In the 110th Congress, the Committee will review issues affecting the travel and tourism industries, as well as how the travel and tourism industries, along with Federal and State governments, can encourage and promote the United States as a travel destination for international and domestic passengers. This review will include, but not be limited to, the operations of various government departments that may needlessly interfere with the free flow of tourists across our border including activities related to the policies, procedures, and administration of programs related to passports, visas, and other relevant travel documents. In addition, the Committee will review issues related to the plans and programs of various Government agencies that may affect travel and tourism in response to pandemic outbreaks.

## ATHLETICS

In the 110th Congress, the Committee will examine issues arising from the commerce of professional and amateur athletics, including drug abuse, and the health and welfare of athletes. In addition, the Committee will monitor the governance of organizations responsible for administering athletics, including the U.S. Olympic Committee.

## ENERGY AND AIR QUALITY ISSUES

### GLOBAL CLIMATE CHANGE

In the 110th Congress, the Committee will carry out a broad review of the global climate change issue, with a particular focus on the role of human activity in global warming. The Committee will examine the social, economic, cultural, and homeland security implications of climate change and policy options for responding to this problem. The Committee will also review the Department of Energy (DOE), the Federal Energy Regulatory Commission (FERC), and the Environmental Protection Agency (EPA) strategies and activities in this area.

### NATIONAL ENERGY POLICY

In the 110th Congress, the Committee will examine U.S. policies pertaining to energy efficiency and conservation, production, and consumption of electricity, oil, natural gas, coal, hydroelectric power, nuclear power, and renewable energy. The Committee will examine the impact of government policies and programs on the exploration, production, and development of domestic energy resources, including the effect of budget cuts on research on alternative energy. In addition, the Committee will review issues arising from the production and delivery of oil and gas from Alaska and the Gulf of Mexico, including pipeline safety, the Strategic Petroleum Reserve, and foreign pipeline and LNG facilities crucial to American interests. The Committee will also examine global crude oil supplies in light of potential supply interruptions, such as the war in Iraq and political turmoil in Venezuela. The Committee will review the national security and energy policy implications of disruptions to Russian oil and gas deliveries to Europe and elsewhere.

### OIL AND NATURAL GAS MARKETS

In the 110th Congress, the Committee will examine the unregulated over-the-counter oil futures market, investigate

whether this market is being manipulated by speculators, and examine whether this speculation may be artificially inflating the price of crude oil. The Committee will also review solutions to this problem, including possible regulation by the Commodities Futures Trading Commission (CFTC). In addition, the Committee will investigate allegations of gasoline price gouging. The Committee will also examine the unregulated over-the-counter natural gas market, focusing on the need for market transparency and regulation. The Committee will also examine the role of the U.S. and Iraqi Governments in legislation requiring Iraq to cede control of its oil industry to foreign oil companies and the implications for the global crude oil supply, as well as U.S. national security and energy policy.

## MANAGEMENT OF THE DEPARTMENT OF ENERGY AND ITS NATIONAL LABORATORIES

The Committee will oversee management and operations issues at the Department of Energy, including management and operations of the National Nuclear Security Administration (NNSA) and the DOE National Laboratories. Such a review will also include investigating allegations that laboratory employees on detail to Government agencies have improperly utilized their position to improperly steer Government contracts to themselves or their host labs. The Committee will particularly focus on DOE's management of the environment, safety, and health aspects of its policies and activities. The Committee will also review DOE management of the contractors that operate the National Laboratories. The Committee's oversight work will include a review of the implementation of nuclear security requirements at NNSA and DOE facilities; ongoing safety and security problems at the Los Alamos National Laboratory; and the Office of Environmental Management's accelerated cleanup program and high-level radioactive waste management efforts. The Committee will conduct a careful review of DOE's compliance with Federal and State environmental laws and regulations. In addition, the protection of nuclear materials around the globe is among the Committee's highest priorities. Oversight in the 110th Congress will focus on DOE operation of the First and Second Lines of Defense programs overseas; DOE and Customs and Border Patrol (CBP) efforts to secure foreign ports that ship into the U.S.;

on-going problems at both the National Labs and at nuclear power plants with respect to leaks of both nuclear materials and sensitive security information; and nuclear detection systems at air, land, and seaports.

## THE FEDERAL ENERGY REGULATORY COMMISSION

In the 110th Congress, the Committee will examine the activities of the Federal Energy Regulatory Commission pertaining to energy industry licensing, ratemaking, and mergers and acquisitions, with a particular focus on the protection of consumers. The Committee will also examine issues pertaining to the adequacy and reliability of the Nation's interstate electric transmission grid. In addition, the Committee will conduct oversight of FERC's handling of lessons learned from the crisis in California and western electricity markets during 2001 and 2002, and steps taken to prevent future manipulation of energy markets for both natural gas and electricity.

## THE NUCLEAR REGULATORY COMMISSION

The Committee will review the activities of the Nuclear Regulatory Commission (NRC). The Committee will examine NRC's budget requests, conduct oversight of how the Commission discharges its various responsibilities, and review whether the Commission is an effective regulator of nuclear facilities. In particular, the Committee will monitor closely the efforts of NRC to fully implement new security requirements at commercial nuclear power plants.

## CLEAN AIR ACT

In the 110th Congress, the Committee will review the Environmental Protection Agency's implementation of the Clean Air Act, particularly pertaining to rulemakings affecting power plants, including new source review, mercury emissions, and other regulation of air pollution. The Committee will also investigate allegations of undue industry influence on Clean Air Act rulemakings and purported attempts to undercut existing enforcement actions.

## ENVIRONMENT AND HAZARDOUS MATERIALS ISSUES

### EPA MANAGEMENT AND OPERATIONS

In the 110th Congress, the Committee intends to conduct an extensive review of the management, operations, and activities of the Environmental Protection Agency, including a review of the agency's budget, funding decisions, resource allocations, grants, research activities, enforcement actions, relations with State and local Governments, and program management and implementation. The Committee will particularly examine EPA's substitution of voluntary compliance programs instead of enforcement, including the shifting of funds and personnel to voluntary compliance programs and initiatives that have no specific authorization and that the EPA Inspector General has reported often fail to achieve the promised compliance. In addition, the Committee will investigate all aspects of the EPA's decision to close its libraries and give away and/or destroy parts of the library collections. The Committee will also examine the issue of whether scientists both inside and outside EPA are playing an adequate role in rulemaking and other decision-making at the agency.

## HAZARDOUS AND TOXIC WASTES

In the 110th Congress, the Committee will review the management, operations, activities, and funding of the Superfund program, with a particular focus on EPA failure to investigate, score, and list toxic waste sites that local communities, States, and EPA Regional Offices have requested for listing on the National Priorities List (NPL). The Committee will examine the issue of whether there is adequate funding for remedial action at NPL sites that are ready to begin final cleanup. The Committee will also examine the issue of whether EPA has adequately addressed widespread perchlorate contamination and the public health risks posed by Concentrated Animal Feeding Operations (CAFOs). The Committee will review global hazardous materials treaties to which the United States is signatory and review these agreements for compliance with Federal and State environmental laws and regulations.

## DEPARTMENT OF DEFENSE COMPLIANCE WITH ENVIRONMENTAL LAWS

The Committee will review Department of Defense (DOD) environmental activities and ascertain its record of clean-up effectiveness, ongoing monitoring, and compliance with Federal and State environmental laws and regulations. The Committee will particularly examine EPA's failure to enforce environmental laws at DOD facilities; DOD opposition to the listing of toxic waste sites on the NPL; DOD refusal to sign interagency cleanup agreements with EPA; DOD challenges to State regulatory authority under the Resource Conservation and Recovery Act (RCRA) at formerly utilized defense sites (FUDS); DOD delays in cleaning up its Superfund sites; and DOD refusal to respond to data requests from the Agency for Toxic Substances and Disease Registry (ATSDR) pertaining to contamination of Marine families' drinking water at Camp Lejeune.

## HEALTH AND HEALTHCARE ISSUES

## THE FOOD AND DRUG ADMINISTRATION

In the 110th Congress, the Committee will review the management, operations, and activities of the Food and Drug Administration (FDA), including its implementation of statutes and regulations pertaining to its mission to ensure the safety of drugs and the food supply. Drug safety investigations will focus on allegations that the FDA has repressed expert scientific opinion regarding serious problems arising during clinical trials and dismissed credible information developed by FDA scientists charged with monitoring adverse events associated with approved drugs. The Committee will also review the failure of the FDA and other Federal law enforcement agencies to control the importation and sale of illicit, counterfeit, and dangerous drugs.

Food safety investigations will focus on the effect of budget and other resource cuts on the ability of the FDA to adequately enforce food safety laws and regulations. The Committee will also investigate allegations that compliance with the law has become voluntary with the effect on the food supply of: increases in E. Coli outbreaks in fresh produce; meat that is packaged in an atmosphere containing carbon monoxide with the specific purpose of preserving the red coloring beyond the time when it can be consumed safely; and inadequate inspection of imported food.

The Committee will also conduct a broad examination of the regulation of medical device safety. In addition, the Committee will review the issue of generic drug lag and the FDA's failure to approve generic biopharmaceuticals; the adequacy of clinical trial oversight conducted by FDA and the related issue of human subject protection; the effect of six-month exclusivity extensions granted by the FDA upon approval of pediatric drug testing protocols and whether such protocols are sufficient to determine either the safety or efficacy of these drugs in children; the FDA's implementation of the Best Pharmaceuticals for Children Act; the safety and regulation of the blood supply; and the frequency and reliability on inspections of foreign drug manufacturing, particularly in China and India.

## CENTERS FOR MEDICARE AND MEDICAID SERVICES

In the 110th Congress, the Committee will review the management, operations, and activities of the Centers for Medicare and Medicaid Services (CMS), including its management and oversight of the programs it administers. The Committee will also examine and review Medicare and Medicaid management and activity as it relates to ongoing Committee efforts to prevent waste, fraud, and abuse in Federal healthcare programs. Medicare and Medicaid fraud investigations will include drug pricing abuses under Part D (the Medicare drug benefit); CMS policing of rebates due the Medicaid program under the Medicaid drug rebate program; and fraud involving durable medical equipment. The Committee will also review alleged fraud in billing by home health agencies (HHAs); hospice benefit fraud; CMS enforcement against nursing home abuses; the effectiveness and reliability of Program Safeguard Contractors (PSCs); the high rate of hospital-acquired infections; and the effectiveness of the Health Insurance Portability and Accountability Act (HIPPA) enforcement.

## HURRICANE KATRINA AND HEALTH SERVICES



In the 110th Congress, the Committee will investigate the efforts of Department of Health and Human Services (HHS), the Department of Homeland Security (DHS), and others to reconstruct the healthcare infrastructure in New Orleans following Hurricane Katrina, including the homeland security implications of such efforts for future disasters. The Committee will also review the performance of the HHS Office of Emergency Preparedness during and after Katrina and the use of the Public Health Service Corps during Katrina and other emergencies.

## CENTERS FOR DISEASE CONTROL AND PREVENTION

In the 110th Congress, the Committee will review the management, operations, and activities of the Centers for Disease Control and Prevention, with particular focus on the effects of outsourcing of critical Government functions and its impact on its ability to respond to both natural and man-made outbreaks of disease.

## NATIONAL INSTITUTES OF HEALTH

In the 110th Congress, the Committee will examine the National Institutes of Health (NIH) organizational structure, priority setting, and research activities. This effort will include oversight of management and operations of internal NIH programs, as well as NIH-funded extramural research. Particular emphasis will be placed on the effectiveness of NIH's policies, procedures, and programs related to preparing for and responding to terrorist events.

## TELECOMMUNICATIONS AND INTERNET ISSUES

## THE FEDERAL COMMUNICATIONS COMMISSION

During the 110th Congress, the Committee will review the management, operations, and activities of the Federal Communications Commission (FCC), including the effect of its decisions on increasing competition, increasing the availability of technologies and services, assuring widespread deployment and reasonable rates for telecommunication and broadband services, protecting consumers, assuring adequate emergency communications capability and otherwise serving the public interest, convenience and necessity. The Committee will examine the FCC's spectrum management policies to determine whether the policies encourage efficient use of the electromagnetic spectrum and equitable distribution of Commission licenses and authorizations. The FCC's efforts to transition the Nation from analog to digital broadcasting will be a particular focus of the Committee. The Committee will also examine the management and funding of the FCC's Office of Inspector General (IG), particularly with respect to the issue of whether the IG has adequate resources and the institutional independence necessary to carry out its responsibilities.

## UNIVERSAL SERVICE REFORM

In the 110th Congress, the Committee will investigate waste, fraud, and abuse in the FCC's Universal Service Fund, including the management and administration of the High Cost program, the E-Rate program that pays to connect schools and libraries to the Internet, and the Rural Health Care program.

## INTERNET GOVERNANCE AND OPERATIONS

The Committee will review programs and efforts to assure the safe, secure, and robust functioning of the Internet. In particular, the Committee will examine the adequacy of efforts to protect the integrity of telecommunications networks and commercial use of the Internet, including reviewing programs of the Department of Commerce, FCC, DHS, and others to secure cyberspace. The Committee will examine the adequacy of efforts by the FCC and others to fight child pornography on the Internet, including the role of Internet Service Providers; and the activities of the Department of Justice in providing the necessary law enforcement resources for the discovery and prosecution of Internet child pornography. The Committee will also examine issues regarding the structure of Internet governance, including activities of the Internet Corporation for Assigned Names and Numbers (ICANN).

## NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

In the 110th Congress, the Committee will review programs under the management of the National Telecommunications and Information Administration (NTIA), including the interoperable communications grant program intended to help the Nation's first responders obtain state-of-the-art communications equipment to effectively communicate with each other in times of disaster. In addition, the Committee will investigate the adequacy and effectiveness of NTIA's converter box program intended to help consumers in the government-driven transition to digital television. NTIA's actions related to Internet governance will also be examined.

## CORPORATION FOR PUBLIC BROADCASTING

In the 110th Congress, the Committee will continue to review activities and funding of the Corporation for Public Broadcasting, the Public Broadcasting System, National Public Radio, and Public Radio International, with a particular focus on maintaining the independence of these important functions and assuring that the public interest remains paramount in their administration and management.

## HOMELAND SECURITY ISSUES

## CRITICAL INFRASTRUCTURE ASSURANCE ACTIVITIES

In the 110th Congress, the Committee intends to review infrastructure assurance efforts, including the Department of Homeland Security efforts to increase critical infrastructure resilience, in areas within the Committee's jurisdiction.

## NUCLEAR SMUGGLING

In the 110th Congress, the Committee will review Federal Government and private sector efforts to detect the illicit transportation of nuclear materials and devices at border crossings, seaports, and mail facilities. The Committee's review will analyze and assess DHS, Customs and Border Patrol, DOE, and other Government efforts and equipment aimed at detecting and preventing the smuggling of dangerous commerce, particularly nuclear and radiological weapons of mass destruction. The Committee will also review measures taken by private sector companies to detect and prevent the use of their facilities and equipment for such purposes.

## EMERGENCY PREPAREDNESS AND BIOTERRORISM

In the 110th Congress, the Committee will conduct an extensive examination of the efforts and fund expended to protect the U.S. from pandemic disease and biological and chemical weapons. The Committee will review the implementation by HHS of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and the coordination between HHS and DHS with respect to setting priorities and goals for bioterrorism-related research and preparedness activities, as well as overseeing activities and funding. The Committee will review HHS efforts against avian influenza and other pandemic diseases; Federal subsidies and other funding provided to pharmaceutical companies to develop vaccines; and particularly, the status of the development of anthrax and smallpox vaccines.

## PUBLIC SAFETY COMMUNICATIONS OPERATIONS

In the 110th Congress, the Committee will examine whether the communications needs of first responders are being met. The Committee will examine efforts to ensure that first responders have interoperable communications capabilities with local, State, and Federal public safety officials. The Committee will also consider whether first responders have an adequate amount of and are effectively utilizing spectrum for voice, video, and data transmissions.

## IMPLEMENTATION OF GOVERNMENT-WIDE CYBER SECURITY PROGRAM

The Homeland Security Act of 2002 included a separate legislative provision entitled the Federal Information Security Management Act, which reauthorized a government-wide cyber security program under the direction of the Office of Management and Budget (OMB). During the 110th Congress, the Committee will review the management and implementation of the cyber security provisions of the Homeland Security Act.

## MISCELLANEOUS ISSUES

## FEDERAL AGENCY MANAGEMENT

As part of the Committee's oversight responsibilities generally and as an expansion of its review of conflict-of-interest policies in particular, the Committee will examine ethics policies and practices at Federal agencies and commissions within the Committee's jurisdiction. The Committee will also examine agency procurement practices and contracts, risk assessment practices, and agency implementation of laws and regulations.